

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) No. CR-11-078-WFN
v.) ORDER DENYING DEFENDANT'S
LLOYD FINLEY,) MOTION FOR RECONSIDERATION
Defendant.) OF DETENTION
) MOTION DENIED
) (**ECF No. 32**)

Defendant seeks release, and a hearing was held May 27, 2011. The undersigned took the matter under advisement pending supplementation of the record. On June 2, 2011, John LaFontaine, a chemical dependency professional, instructed Pretrial Services that he could not discuss his evaluation until Defendant provided the proper written release. This later occurred, and the full assessment was given June 9, 2011 to Pretrial Services. A Second Supplemental Pretrial Services Report was filed on the same day, June 9, 2011, and the time has run for the parties to provide additional information and comments. (ECF No. 38) On June 13, 2011, Defendant timely filed a response. (ECF No. 39)

As outlined in the affidavit in support of the Complaint, the charges are very serious and include allegations of felony assault and use of a firearm. In addition, the Kalispel Tribal Court Administrator(TCA) asserts Defendant has prior arrests by Tribal authorities and charges for domestic violence assault and possession of marijuana. The TCA also asserts Defendant made statements to her

1 in the past of fleeing to Alaska to avoid prosecution of Tribal
2 charges. The release plan provides for Intensive Outpatient
3 treatment consisting of 52 sessions over a 16-week period. While
4 Defendant has ties to Eastern Washington, having reviewed the
5 totality of the record, the undersigned is unable to conclude the
6 release plan is sufficiently structured to reasonably assure
7 Defendant is not a risk of nonappearance, not a risk to the
8 community, or that he is supervisable.

9 **IT IS ORDERED** Defendant's Motion for Release from Custody (Ct.
10 Rec. 32) is **DENIED**. Defendant shall remain in the custody of the
11 U.S. Marshal pending further order of the court.

12 DATED June 14, 2011.

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14 S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE

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